

Notice of Allowability

Application No.

09/722,574

Examiner

Wilbert L. Starks, Jr.

Applicant(s)

SULLIVAN, ANTHONY F.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 21 June 2004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 28 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Reasons For Allowance

1. Claims 1-24 are allowed.

2. The following is an Examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fails to teach the claimed invention of "risk control optimization" as claimed by Applicant. Specifically, independent claims 1 and 22 disclose "determining the economic value added of each risk control system".

3. Note: Examiner interprets Applicant's word "risk" to specifically mean "risk of loss of economic value". Further, Examiner interprets the word "value" to include only those things that may have their values measured by discrete dollar values.

4. The closest prior art of Phillips, et al (U.S. Patent Number 6,792,399 B1; dated 14 September 2004; class 703; subclass 002) teaches value forecasting but fails to teach or suggest "determining the economic value added of each risk control system". To the extent that this feature does not exist in the prior art cited by Examiner, the present case is held to be allowable over the art of record.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Specifically:

- A. Phillips, et al. (U.S. Patent Number 6,792,399 B1; dated 14 September 2004; class 703; subclass 002) discloses combination forecasting using clusterization.
- B. Jennings, et al. (U.S. Patent Number 6,606,615 B1; dated 12 August 2003; class 706; subclass 045) discloses a forecasting contest.
- C. Bowman-Amuah (U.S. Patent Number 6,578,068 B1; dated 10 June 2003; class 709; subclass 203) discloses a load balancer in environment services patterns.
- D. Phillips, et al. (U.S. Patent Number 6,473,084 B1; dated 29 October 2002; class 345; subclass 440) discloses a prediction input.

Art Unit: 2121

- E. Fox, et al. (U.S. Patent Number 5,832,456 A; dated; 03 November 1998; class 705; subclass 010) discloses a system and method for weather adapted, business performance forecasting.

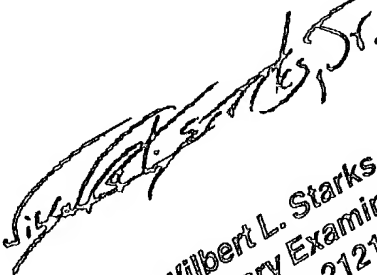
7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (703) 305-0027.

Alternatively, inquiries may be directed to the following:

S. P. E. Anthony Knight	(703) 308-3179
After-final (FAX)	(703) 746-7238
Official (FAX)	(703) 746-7239
Non-Official/Draft (FAX)	(703) 746-7240

WLS

30 September 2004


Wilbert L. Starks, Jr.
Primary Examiner
Art Unit - 2121